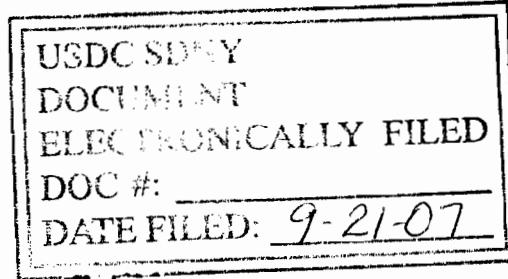


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 HERMAN KELLY, :  
 Plaintiff, : 07 Civ. 2123 (JSR)  
 :  
 -v- : ORDER  
 :  
 EMI BLACKWOOD MUSIC INC. and EMI U :  
 CATALOG INC., :  
 Defendants. :  
 -----x  
 JED S. RAKOFF, U.S.D.J.



On August 16, 2007, the Honorable Andrew J. Peck, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that this complaint be dismissed and that plaintiff's reply to defendants' counterclaims be struck and defendants be granted the declaratory and injunctive relief requested in the counterclaims.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the complaint with prejudice and grants defendants the relief requested in the counterclaims. Clerk to enter judgment.

SO ORDERED.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
September 18, 2007